



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Utah State Office
P.O. Box 45155
Salt Lake City, UT 84145-0155
<http://www.blm.gov>



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OCT 21 2004

IN REPLY REFER TO:
3590
UTU-78187
(UT-923)

DIV. OF OIL, GAS & MINING

OCT 14 2004

CERTIFIED MAIL--Return Receipt Requested

Don Fullmer
Paradise Management Inc.
1025 North Main Street
Fillmore, Utah 84631

Re: Mining Plan for Federal Clay Lease UTU-78187

MINING OPERATIONS PLAN APPROVAL

Dear Mr. Fullmer:

Background- The Bureau of Land Management (BLM) Utah State Office, has received your Plan of Operations to continue to conduct surface mining operations on the FishLake National Forest to extract Kaolinite clay.

Approval- The Plan of Operations is approved to expand the pit to include approximately 5 additional surface acres, subject to the following conditions.

1. Warning signs must be posted at the entrance of the quarry and other public access points.
2. Fences or other barriers are to be constructed as necessary to prevent vehicles from accessing the highwall and other steep slopes at the mine.
3. All topsoil stock piles must be seeded and reactivative covers must be established to protect from erosion.
4. Following mining the non-clay overburden will be restored to the mined area to eliminate high walls. The land surface will be restored to pre-mining conditions as much as possible.
5. All slopes will be re-graded not to exceed 20 degrees (about 3:1 slope) after clay has been removed where fill material is available to do so.

6. Following re-grading the surface the disturbed areas will be covered with topsoil.
7. All reclaimed areas will be seeded with a Forest Service recommended seed mix, followed by application of composted manure or mulch.
8. A 75 foot undisturbed buffer must be left between the centerline of Forest road 069 and the disturbed area. Barriers are to be placed as necessary to provide for public safety.
9. When areas of the pit are no longer essential for ongoing mining operations, they will be reclaimed. Upon cessation of mining operations, the entire mine site must be reclaimed.
10. The pit and associated mining activity must be designed to ensure that all runoff from disturbed areas at the mine is retained on-site. A small retention structure or pond should be established to hold runoff from the west side of the mine. The existing earth berm along the west side that prevents storm water from leaving the site must be retained during mining.
11. The operator shall prepare a hazardous spill plan as part of the mining plan that requires equipment operators to remove oil and other fluids to a proper disposal site, and identifies proper notification and cleanup requirements. This plan must be approved by the authorized officer prior to mining.
12. Heavy equipment must be washed prior to bringing onto the National Forest to reduce the potential for introduction of noxious weeds to the site. Only weed-seed free seed mixtures are to be used for surface reclamation. All seed will be certified weed-seed free before purchase to ensure minimum noxious weed content. Straw and mulch for surface reclamation must be weed-seed free. The operator shall be responsible for controlling any noxious weed outbreaks attributed to the operator's activities. The operator's method of control shall be submitted in writing to the AO and approved prior to the initiation of the plan. The lessee shall be responsible for controlling noxious weeds until the reclamation bond is released. A plan for controlling noxious weeds during reclamation will be submitted to the AO prior to the commencement of reclamation. Noxious weeds are determined by the Utah State Commissioner of Agriculture and the county. Both types of weeds will have to be treated.

Administrative Stipulations:

1. **YEARLY WEIGH TICKETS:** The Lessee is required to submit Yearly weigh ticket reports prior to February 1 of each year.
2. **OPERATIONS:** If the pit is operated on an annual basis the Lessee is required to notify BLM Utah State Office (801-539-4036) 2 days prior to mining and within 2 days after the completion of mining.
3. **As Built Drawings:** The Lessee will submit to the Deputy State Director, Lands and Minerals, BLM Utah State Office, at the above address, a scaled map showing the construction and the survey coordinates (State Plane or metes and bounds description) of each of the mine features, buildings, within 90 days after construction is complete. The surveyor that conducts the survey will be licensed and shall stamp the drawing. Land features will be shown on the drawing. These will include but are not limited to section corners, roads, and section lines. An updated map will be sent to BLM within 90 days after construction is completed on any new sites.
4. **Yearly Mining Plan:** By January 15th of each year, the lessee will submit a one-year mine plan to the BLM Utah State Office showing the proposed mining sequences for the coming

year on a scaled map. The one-year plan will describe the extraction sequence and the projected tonnages of ore to be extracted for that year.

5. **Groundwater:** Should groundwater flow be encountered in quantities greater than 5 gallons per hour during mining operations, the lessee/operator shall contact the AO within 24 hours of the encounter and report on the following:

- 1) True vertical encountered depth
- 2) Subsurface location at which it was encountered
- 3) The approximate flow rate into the mine
- 4) Association of flow with any major geologic feature such as a fault or fracture surface.

Based upon this information, the AO will determine if the lessee will be required to monitor the effect of the flow into the mine on any nearby wildlife, or stock wells. If such wells are affected the AO may require the lessee to supply replacement water to the affected stock or wildlife ponds.

All groundwater flows encountered in the mine shall be sampled and analyzed for major cations, anions, total dissolved solids, pH, total suspended solids, oil and grease and phenols (See Enclosure 2). The lessee shall follow the rules and regulations of the State of Utah pertaining to the sampling parameters for pollutants and surface effluent discharges from the proposed mine (Utah Administrative Code, August 4, 1995, R317-1.2: General Requirements: R317-8.3: Application Requirements (for a UPDES Permit: R317-6-2:Ground Water Quality Standards). Results from these analyses and sampling parameters for pollutants as required by the State of Utah shall be provided to the AO (USO, P.O. Box 45155, Salt Lake City, Ut., 84145-0155) within 30 working days of encountering the water.

6. **Signage:** The lessee shall maintain a sign at the entrance of the pit that lists the Federal lease number.

7. **Cultural Resources:** All personnel will refrain from collecting artifacts and from disturbing any significant cultural resources in the area. The lessee is responsible for informing all persons in the area who are associated with this project that they may be subject to prosecution for knowingly disturbing historic or archaeological sites or for collecting artifacts. All vehicular traffic, personnel movement, construction, and restoration activities shall be confined to the areas examined, as referenced in the archaeological report, and to the existing roadways and/or evaluated access routes. If historic or archaeological materials are uncovered during construction, the lessee is to immediately stop work that might further disturb such materials and contact the Authorized Officer (AO).

Within five working days after contacting the BLM, the AO will inform the lessee as to: 1) whether the materials appear eligible for the National Historic Register of Historic Places; 2) the mitigation measures that the lessee will likely have to undertake before the site can be used (assuming in situ preservation is not necessary); and, 3) a time frame for the AO to complete an

expedited review under 36 CFR 800.11 to confirm, through the State Historic Preservation Officer, that the findings of the AO are correct and that mitigation is appropriate.

If the lessee wishes, at any time, to relocate activities to avoid the expense of mitigation and/or the delays associated with this process, the AO will assume responsibility for whatever recordation and stabilization of the exposed materials may be required. Otherwise, the lessee will be responsible for mitigation costs. The AO will provide technical and procedural guidelines for the conduct of mitigation. Upon verification from the Authorized Officer (AO) that required mitigation has been completed, the lessee will then be allowed to resume activities.

8. **Paleontology:** The lessee shall stop construction activities and notify the AO if paleontological resources (vertebrate fossils) are exposed or identified during construction or mining. The BLM will provide mitigation measures to allowing construction or mining. Costs of mitigation will be borne by the lessee.

9. **Reclamation:** A seeding and grading plan and schedule will be submitted and approved by the AO prior to finalizing the reclamation. All disturbed areas will be reclaimed with native plant species. The seed mixture will be provided by the AO. Reclamation will not be accepted until the disturbed lands have the same plant composition and density and cover as the surrounding lands. The reclamation bond will not be released until the AO accepts the reclamation in writing. Concurrent reclamation practices will be used.

Topsoil will be stripped and salvaged to provide for sufficient quantities to be re-spread to a depth to be determined in the regarding plan over the disturbed areas to be reclaimed. Topsoil will be stockpiled separately from subsoil materials. Topsoil to be stored for more than one year will be: 1) windrowed, to a depth of no more than six feet; and 2) broadcast seeded with the prescribed seed mixture furnished by the AO immediately after windrowing, promptly followed by a dozer or other tracked vehicle walking the windrow to cover the broadcast seed. For the windrowing the following pure live seed mixture will be utilized and must be, noxious weed free as per Utah Department of Agriculture regulation R-68-8-2.

Common Name	Scientific Name	Pound per acre
Shadscale saltbrush	Atriplex confertifolia	3
Big sage brush	Artemisia tridentate ssp. Wyomingensis	3
Galleta grass	Hilaria jamesii	2
Four-wing saltbush	Atriplex canescens	4

Mulching may be one method considered to enhance the re-establishment of desired native plant communities. If straw or hay mulch is used, the straw and hay must be certified to be weed-free and the documentation submitted to the AO prior to usage.

10. **Stipulation Waiver:** Any of these stipulations may be waived by the authorized officer (AO) if either the resource values change or the lessee/operator demonstrates to the satisfaction of the (AO) that adverse impacts can be mitigated.

Notice(s)-

1. Any exploration or additional activities not included in the Mine Plan Approval must be approved by the BLM prior to commencement.
2. Should mining conditions warrant a change to your mine plan approval (mining and reclamation plan), you must submit, in writing a request for modification to the Utah State Office (attn: Mr. Stan Perkes) and receive a written approval prior to conducting the proposed modification(s).
3. **UTAH NOXIOUS WEEDS** The Utah State Commissioner of Agriculture has officially designated 18 species listed below as noxious in the State of Utah as of the date of this approval.

<u>COMMON NAME</u>	<u>SCIENTIFIC NAME</u>
• Bermudagrass**	(cynodon dactylon)
• Canada thistle	(cirsium arvense)
• Diffuse knapweed	(centaurea diffusa)
• Dyers woad	(isatis tinctoria L)
• Field bindweed (Wild Morning Glory)	(convolvulus arvensis)
• Hoary cress	(cardaria drabe)
• Johnsongrass	(sorghum halepense)
• Leafy spurge	(euphorbia esula)
• Medusahead	(taeniatherum caput-medusae)
• Musk thistle	(carduus mutans)
• Perennial pepperweed	(lepidium latifolium)
• Perennial sorghum	(sorghum halepense L & sorghum almum)
• Purple loosestrife	(lythrum salicaria L.)
• Quackgrass	(agropyron repens)
• Russian knapweed	(centaurea repens)
• Scotch thistle	(onopordum acanthium)
• Spotted knapweed	(centaurea maculosa)
• Squarrose knapweed	(centaurea squarrosa)
• Yellow starthistle	(centaurea solstitialis)

NEPA- The National Environmental Policy Act has been complied with by DNA (Determination of NEPA adequacy) UT 080-2004-321.

Bonding- Paradise Management Company currently has a \$55,700 bond on file with the Utah Division of Oil, Gas and Mining. This bond is acceptable under the SITLA rules. BLM has the right to request and adjust the bond at any time.

Other Approvals- This approval only constitutes approval under the Clay Lease UTU- 78187 and does not constitute any other approvals that are necessary from other agencies or offices.

For further information contact Mr. Stan Perkes at (801) 539-4036.

Sincerely,

JAMES F. KOHLER

James F. Kohler
Chief, Solids Minerals Branch

cc: Utah Division of Oil, Gas, and Mining (Attn. Doug Jensen), P.O. Box 145801 SLC, UT 84114- 5801